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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,)	Case No.
a state agency,)	
)	FPPC No.: 02/098
Plaintiff,)	
)	STIPULATION FOR ENTRY OF
v.)	JUDGMENT
)	
STEPHEN BING,)	(IN FAVOR OF PLAINTIFF
)	AGAINST DEFENDANT STEPHEN
Defendant.)	BING)
)	
)	
)	

Plaintiff Fair Political Practices Commission, a state agency, by its attorneys, and Defendant Stephen Bing, enter into this stipulation to resolve all factual and legal issues pertaining to the complaint for civil penalties filed herewith.

It is stipulated by and between the parties as follows:

The complaint on file in this action was properly filed and served on Defendant Stephen Bing.

Jurisdiction of the subject matter and of the parties to this action and venue are properly in Sacramento Superior Court. The complaint states one cause of action against Defendant Stephen Bing, and any defects in the complaint are expressly waived.

The Court will enter judgment in this action, pursuant to the stipulation, on request of Plaintiff Fair Political Practices Commission without notice to Defendant Stephen Bing.

1 Plaintiff Fair Political Practices Commission and Defendant Stephen Bing agree to enter into this
2 stipulation to resolve all factual and legal issues raised in this matter, and to reach a final disposition
3 with respect to Defendant, without the necessity of holding a civil trial to determine his liability.

4 Defendant Stephen Bing understands, and hereby knowingly and voluntarily waives, any and all
5 procedural rights that he could have exercised if this stipulation had not been entered into, including, but
6 not limited to, his right to civil discovery, to appear personally at any civil trial held in this matter, to
7 confront and cross-examine witnesses, and to have the trial presided over by an impartial judge, and
8 heard and decided by a jury.

9 **ENTRY OF JUDGMENT**

10 For the violation of the Political Reform Act admitted herein, Plaintiff Fair Political Practices
11 Commission and Defendant Stephen Bing stipulate that a final judgment be issued and entered in the
12 form of the order attached hereto and made a part hereof as Exhibit "A," against Defendant Stephen
13 Bing, and in favor of Plaintiff Fair Political Practices Commission, for a monetary penalty of Twenty-
14 five Thousand Dollars (\$25,000). Payment of this amount shall be made by a written instrument,
15 payable to the "General Fund of the State of California," upon the execution of this stipulation.

16 The final judgment may be signed by any judge of the Superior Court of the State of California,
17 for the County of Sacramento, and entered by any clerk upon application of any party without notice.

18 **STIPULATED STATEMENT OF LAW AND FACTS**

19 1. **THE PARTIES AND BACKGROUND INFORMATION**

20 Plaintiff Fair Political Practices Commission (the "Commission") is a state agency created by the
21 Political Reform Act of 1974 (the "Act"). (Government Code sections 81000 through 91014.) The
22 Commission has the primary responsibility for the impartial, effective administration and
23 implementation of the Act. (Gov. Code § 83111.) Pursuant to Government Code section 91001,
24 subdivision (b), the Commission is the civil prosecutor for matters involving state election campaigns,
25 and is authorized to maintain this action under Government Code sections 91001, subdivision (b),
26 91004, 91005 and 91005.5.

27 Defendant Stephen Bing was, at all times relevant to this matter, a major donor committee as
28 defined in Government Code section 82013, subdivision (c).

1
2 2. SUMMARY OF THE CAMPAIGN DISCLOSURE LAW

3 An express purpose of the Act, as set forth in Government Code section 81002, subdivision (a),
4 is to ensure that the contributions and expenditures affecting election campaigns are fully and truthfully
5 disclosed to the public, so that voters may be better informed, and so that improper practices will be
6 inhibited. In furtherance of this purpose of disclosure, the Act sets forth a comprehensive campaign
7 reporting system. (Gov. Code § 84200 et seq.)

8 One feature of this system is Government Code section 84203, subdivision (a). That statute
9 requires a committee, including a major donor committee, which makes a late contribution, to file a late
10 contribution report within 24 hours of making the contribution. Government Code section 82036
11 defines a “late contribution” as a contribution aggregating \$1,000 or more that is received before an
12 election, but after the closing date of the last pre-election statement. Under Government Code sections
13 84200.7 and 84200.8, the late contribution reporting period is the last 16 days before an election.

14 3. CIVIL ENFORCEMENT PROVISIONS

15 Under Government Code section 91004, any person who intentionally or negligently violates any
16 of the reporting requirements of the Act shall be liable in a civil action in an amount up to the amount
17 not properly reported. Persons that violate Government Code section 84203 are liable in a civil action
18 pursuant to Government Code section 91004.

19 4. SUMMARY OF THE FACTS

20 As a major donor committee, Defendant Stephen Bing had a duty to comply with the campaign
21 disclosure provisions of the Act, including the duty to file late contribution reports as required by
22 Government Code section 84203, subdivision (a). In this matter, the late contribution reporting period
23 for the March 7, 2000 primary election was February 20, 2000 through March 6, 2000.

24 On February 24, 2000, Defendant made a late contribution of \$500,000 to the statewide ballot
25 measure committee, Coalition to Save Prop. 10, a Project of Forum for Early Childhood Development,
26 No on Prop. 28. Said committee existed to defeat the passage of Proposition 28 in the March 7, 2000
27 primary election.
28

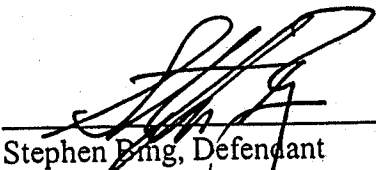
1 After making the \$500,000 contribution, Defendant had a duty to file a late contribution report
2 no later than February 25, 2000, disclosing the late contribution. Unaware of the 24-hour reporting
3 requirement, Defendant filed his late contribution report on March 13, 2000, which was not by the
4 required February 25, 2000 due date. By not filing his late contribution report within 24 hours, i.e., by
5 February 25, 2000, Defendant unintentionally violated Government Code section 84203, subdivision (a).

6 **CONCLUSION**

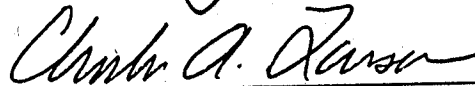
7 Judgment shall be entered against Defendant Stephen Bing, and in favor of Plaintiff Fair Political
8 Practices Commission, in the amount of Twenty-five Thousand Dollars (\$25,000).

9 IT IS SO STIPULATED:

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11 Dated: 6/7/02

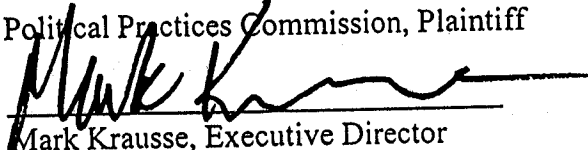

Stephen Bing, Defendant

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14 Dated: 6/10/02

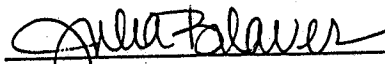

Charles A. Larson, Gibson, Dunn & Crutcher LLP,
Attorneys for Defendant Stephen Bing

15
16 Dated: 6/13/02

Fair Political Practices Commission, Plaintiff

17
18 By: 
Mark Krausse, Executive Director

19
20 Dated: 6/18/02


Julia Bilaver, Attorney for Plaintiff Fair Political Practices
Commission